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9	BEFORE THE BOARD OF REGISTERED NURSING	
. 10	DOARD OF REGISTE DEPARTMENT OF CON STATE OF CAL	SUMER AFFAIRS
11	STATE OF CAL	II OMNA
12.	In the Matter of the Accusation Against:	Case No. 2009-184
13	MICHELLE RENEE BOURETTE 29414 Via Napoli	ACCUSATION
14	Laguna Niguel, CA 92677	ACCUSATION
15	Registered Nurse License No. 706968	
16	Respondent.	
17		
18	Complainant alleges:	
19	<u>PARTIE</u>	<u>S</u>
20	1. Ruth Ann Terry, M.P.H., R.N.	. (Complainant) brings this Accusation
21	solely in her official capacity as the Executive Office	er of the Board of Registered Nursing,
22	Department of Consumer Affairs.	
23	2. On or about July 11, 2007, the	e Board of Registered Nursing issued
24	Registered Nurse License Number 706968 to Michel	lle Bourette (Respondent). The license will
25	expire on June 30, 2009, unless renewed.	
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# **JURISDICTION**

- 3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.
- 4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.
- 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

#### STATUTORY PROVISIONS

6. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

- "(a) Unprofessional conduct . . . ."
- 7. Section 2762 of the Code states in relevant part:

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

"(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.

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1	"(b) Use any controlled substance as defined in Division 10 (commencing with
2	Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as
3	defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or
4	injurious to himself or herself, any other person, or the public or to the extent that such use
5	impairs his or her ability to conduct with safety to the public the practice authorized by his or her
6	license."
7	
8	"(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible
9	entries in any hospital, patient, or other record pertaining to the substances described in
10	subdivision (a) of this section."
11	<u>COST RECOVERY</u>
12	8. Section 125.3 of the Code provides, in pertinent part, that the Board may
13	request the administrative law judge to direct a licentiate found to have committed a violation or
14	violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
15	and enforcement of the case.
16	CONTROLLED SUBSTANCES AT ISSUE
17	9. Dilaudid, a brand name for hydromorphone, is a Schedule II controlled
18	substance pursuant to Health and Safety Code Section 11055(b). It is a semi-synthetic opiate
19	derived from morphine.
20	10. Morphine Sulphate, also known as morphine, is a Schedule II controlled
21	substance pursuant to Health and Safety Code Section 11055(b)(1)(M).
22	FIRST CAUSE FOR DISCIPLINE
23	(Grossly Inconsistent or Unintelligible Entries in Hospital or Patient Records)
24	11. Respondent's registered nurse license is subject to disciplinary action
25	under Code section 2761, subdivision (a), on the grounds of unprofessional conduct as defined in
26	Code section 2762, subdivision (e), as follows:
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Between March 13, 2008 and May 8, 2008, while working as a nurse at Mission Hospital in Mission Viejo, California, Respondent made grossly incorrect, grossly inconsistent or unintelligible entries in hospital or patient records, including, but not limited to, the following:

#### Patient A

Between March 13, 2008 and March 14, 2008, Respondent signed out 6 mg of Dilaudid for this patient, yet failed to chart the administration or wastage of any portion of the drug in any patient or hospital record or otherwise account for the disposition of the drug.

## Patient B

On or about March 13, 2008, Respondent signed out 8 mg of morphine for b. this patient for which there was no physician's order for morphine, and failed to chart the administration or wastage of any portion of the drug in any patient or hospital record or otherwise account for the disposition of the drug.

# Patient C

On or about April 30, 2008, Respondent signed out 2 mg of morphine for c. this patient for which there was no physician's order for morphine. Respondent charted on the medication record that she gave the patient 1mg of morphine at 2115 hours. Respondent failed to chart the administration or wastage of the additional 1 mg of the Morphine in any patient or hospital record or otherwise account for the disposition of the drug.

# Patient D

d. On or about May 8, 2008, Respondent signed out 3 mg of Dilaudid for this patient. Respondent charted that she gave the patient 1 mg at 2000 hours. Respondent failed to chart the administration or wastage of the additional 2 mg of Dilaudid in any patient or hospital record or otherwise account for the disposition of the drug.

## SECOND CAUSE FOR DISCIPLINE

(Use of Controlled Substances - Danger to Others)

12. Respondent's registered nurse license is subject to disciplinary action under Code section 2761, subdivision (a), on the grounds of unprofessional conduct, as defined in Code section 2762, subdivision (b), in that on or about November 29, 2008, Respondent used

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1	controlled substances in a manner dangerous or injurious to herself and others. The
2	circumstances are that on or about November 28, 2008, Respondent was involved in a single car
3	accident while on her way to work at the University of California Irvine in Irvine, California.
4	According to the investigating officers, Respondent appeared very lethargic at the scene, and was
5	slurring her words. Respondent admitted to one of the investigating officers that she was
6.	addicted to opiates. The officer noted that Respondent had numerous injection sites on her inner
7	left forearm. Respondent's blood tested positive for opiates, including Hydromorphone.
8	<u>PRAYER</u>
9	WHEREFORE, Complainant requests that a hearing be held on the matters herein
10	alleged, and that following the hearing, the Board of Registered Nursing issue a decision:
11	1. Revoking or suspending Registered Nurse License No. 706968 issued to
12	Michelle Bourette;
13	2. Ordering Michelle Bourette to pay the Board of Registered Nursing the
14	reasonable costs of the investigation and enforcement of this case, pursuant to Business and
1.5	Professions Code section 125.3;
16	3. Taking such other and further action as deemed necessary and proper.
17	DATED: 2/26/09
18	
19	RUTH ANN TERRY, M.P.H., R.N.
20	Executive Officer Board of Registered Nursing
21	Department of Consumer Affairs State of California
22	Complainant
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